

As soon as the first all Western political party elected, by an overwhelming majority, a candidate at a by-election, Trudeau started to discredit their stand on individual property rights. He now claims Section 26 saves your past property rights. That Section is rendered completely unenforceable by Section 52. In 52, property rights, the ones omitted from the constitution, are of no force or effect.

Now that our undemocratic constitution is for all practical purposes an accomplished fact, he has condescended to throw out re-assuring hints to an alarmed public, as to what it contains. The Constitution was concealed during his election and not a single Canadian was allowed to cast a vote as to what his future "entrenched" laws would be. We were treated to full page ads & TV programs (all at our expense) that consisted of symbolically, a single Canadian Goose flying across a sunset, & large photos of Trudeau dancing with an Arab, but it was extremely difficult for the average citizen to even get a copy of his future entrenched laws.

Broadbent is now hunched in a dark corner, keeping very silent & hoping the public will forget it was his parties vote that enabled Trudeaus' will & his small eastern majority, to force this Constitution on an unsuspecting public.

At last Trudeau is now condescending, while he looks around for a better job, to reassure concerned & frightened Canadians that they really haven't lost their property rights under his constitution. He refused to allow the opposition to debate property rights in Parliament, or give a serious reply to any concerned Canadian that enquired.

Now, after the Liberals lost 3 byelections, one in Ontario, one in Quebec, and what was more dangerous one in the West, he is throwing out via the press reassurance. He now no longer denies his property rights omission from the constitution, but instead tells us Section 26 is all the protection for our property rights we need. Having robbed us of our rights, he is now trying to tell us, his victims, we weren't robbed.

His office quotes Section 26 to back this up. Let's look at Section 26 on page 9 of the final Constitution. This Section was a last minute addition. It reads -- "the guarantee in this Charter of certain Rights & Freedoms shall not be construed as denying the Existence of any other rights or freedoms that exist in Canada". The "guarantee" referred to is contained in Section one, page 3. This Section has been criticized by the Canadian Bar Association and many Civil Liberty organizations for being too vague and containing discretionary phrases. It is & I quote "Subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society".

Many totalitarian states call themselves free & democratic so that is no reliable measure. Who will decide what is reasonable & who will decide if it is justified? The choice will be only the governments. They will decide what your rights will be, they & possibly an appointed court whose freedom was not assured as it is in the American Constitution. This is no simple declaration that "each person has the right" as we previously had. All the rights given in the Constitution guarantee are uncertain & liable to government interference at any time but this is especially true of property rights which were omitted.

To continue with Section 26, take note it only says that it doesn't "deny the existence of any other right or freedoms that exist in Canada". It does not guarantee that your past rights will be enforceable. It only says nothing will prevent you from pleading them. By Section 26, we can plead our ancient property rights & those contained in past statutes, but nothing in Section 26 says property rights will be enforceable. A right that is unenforceable is of no value at all. What rights will be enforceable?



To discover that you must read Section 26, page 9 entitled 'Enforcement'. Here we are told you may apply to a court of law. Well, what will happen to you there? You can still plead your past rights, but the courts will also have to consider Section 52 of the Constitution.

Trudeaus' office never mentions this section. He has altered this numerous times & following the so-called Constitution Parliamentary Committees when several experts who had been let in by mistake referred to property rights, it was decided to have no more experts, also it was decided to beef up Section 52 so it now reads on page 18 - "The Constitution of Canada is the SUPREME LAW OF CANADA, and any law that is inconsistent with the provision of the constitution is to the extent of that inconsistency no longer of any Force of Effect." It is clear it was the intent of the gov't to remove property rights.

So there goes the "Existence" of your past property rights & that's the only protection Trudeau now offers.

Unfortunately, Premier Lougheed, like the other Premiers in the 'gang of eight' having gained a Supreme Court victory went down to Ottawa seemingly determined to fight the Constitution. He & seven other befuddled & tired Premiers just gave in & accepted the Constitution with almost worthless alterations. The opting out or withholding clause is little protection -- how do you opt out of something that isn't there?

The amendment clause offers no hope for the Wests' future either. It will, because of our small numbers, be impossible to enforce, even if we have the full consent of all the other Provinces, we still would need the additional vote of either Ontario or Quebec. Their veto is still there. Furthermore, no amendment can be made at all, unless both the federal Senate & the House of Commons voted approval. Lougheed now like Trudeau is trying to calm our fears by quoting these Sections & Section 26 which for all practical purposes, can never be effective for Westerners.

The victory of the Western Canada Concept - Alberta Party in the West, and who support property & independence was like a breath of fresh air blown into the smokey room full of well healed politicians, who have locked their electorate out. No bleating of half-truths from Trudeau should be allowed to stop it.

Our ancestors all came, at a great sacrifice, to this country seeking property rights & in our life, two groups of young men fought and died to preserve it. It should not now be lost nor turned over to the politicians.

by Dr. Ruth Gorman